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| APPLICATION NO.       | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------|-------------|----------------------|---------------------|------------------|
| 10/805,316            | 03/22/2004  | Yusuke Hashizume     | 016907-1650         | 9077             |
| 22428                 | 7590        | 03/26/2008           | EXAMINER            |                  |
| FOLEY AND LARDNER LLP |             |                      | DAHBOUR, HENRY      |                  |
| SUITE 500             |             |                      |                     |                  |
| 3000 K STREET NW      |             |                      | ART UNIT            | PAPER NUMBER     |
| WASHINGTON, DC 20007  |             |                      | 2625                |                  |
|                       |             |                      |                     |                  |
|                       |             |                      | MAIL DATE           | DELIVERY MODE    |
|                       |             |                      | 03/26/2008          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/805,316             | HASHIZUME ET AL.    |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | HENRY DAHBOUR          | 2625                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 3/22/04.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 June 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 3/22/04.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites the limitation "the image forming unit" in line 2, and also, the limitation "the image forming apparatus" in line 9, and also, the limitation "the power saving mode" in lines 9-10. There is insufficient antecedent basis for these limitations in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 5, 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishio (U.S.5991010).

Regarding claim 1, Nishio discloses an image reading apparatus for reading a document image to provide image data corresponding thereto, comprising a photoelectric conversion unit which converts an optical image on a document into an electric image signal (see 14 in Figure 1), an image processing unit which processes the image signal outputted from the photoelectric conversion unit and provides the image data (see 16 in Figure 1), a power source unit which supplies power to respective units including the photoelectric conversion unit and the image processing unit of the image reading

apparatus (see "power source of the line CCD scanner 14" in line 62 in column 24, also see "the line CCD scanner 14 and the image processing section 16 are integrated" in lines 59-61 in column 10), a power supply control unit which controls power supply from the power source unit to the photoelectric conversion unit (see "microprocessor 46 executes...control processing shown in Figs. 11A-11C" in lines 63-64 in column 24, also see "POWER-SAVING MODE" in Figures 11A-11C, also see "power consumption of the line CCD scanner 14...is reduced" in lines 55-58 in col.26).

Regarding claim 2, Nishio discloses when the image reading apparatus is not used for a predetermined time, the power supply control unit stops power supply to the photoelectric conversion unit (see "for a predetermined time...the power source of the line CCD scanner 14 is turned on...proceeds to the power-saving mode... power consumption of the line CCD scanner 14...is reduced" in lines 46-48, 50, 55-58 in column 26).

Regarding claim 5, Nishio discloses the photoelectric conversion unit comprises a charge coupled device CCD (see 14 in Figure 1).

Regarding claim 7, Nishio, as described above, further discloses an image forming unit which forms an image corresponding to the image data provided from the image processing unit onto a paper (see 18 in Figure 1).

Regarding claims 8-9, Nishio discloses the power supply control unit stops power supply to the photoelectric conversion unit when the image forming apparatus is in a power saving mode, wherein the power saving mode is set in a case where the image forming apparatus is not used for a predetermined time (see "for a predetermined

time...the power source of the line CCD scanner 14 is turned on...proceeds to the power-saving mode... power consumption of the line CCD scanner 14...is reduced" in lines 46-48, 50, 55-58 in column 26).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 6, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishio (U.S.5991010) in view of Kimoto (U.S.5761575).

Regarding claim 4, Nishio further discloses an interface to carry out communication with an external device (see 166 in Figure 2), wherein an instruction is received via the interface (see "instruction...given by an operator via the keyboard 166" in lines 29-30 in col. 21). Nishio does not disclose the instruction being a power saving mode instruction.

Kimoto discloses an instruction being a power saving mode instruction, received from a user via an interface in communication with an external device such as a key (see "the power-save mode...effected by a power-saving key 159. When the power-saving key is turned on, the instructions of the power-save mode are sent to the main CPU 132 from the panel CPU 152" in lines 45-48 in column 16, also see Fig.6).

Nishio and Kimoto are analogous art because they are from the same field of endeavor, that is the art of imaging devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Kimoto with the device of Nishio.

The suggestion/motivation for doing so is because it would allow a user to more conveniently choose a power-saving mode.

Therefore, it would have been obvious to combine Nishio with Kimoto to obtain the invention specified in claim(s) 4.

Regarding claim 6, Nishio does not disclose a CCD driver.

Kimoto discloses this feature (see 168 in Figure 6).

Nishio and Kimoto are analogous art because they are from the same field of endeavor, that is the art of imaging devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Kimoto with the device of Nishio.

The suggestion/motivation for doing so is because Kimoto teaches that the purpose of a CCD driver is “for driving the CCD sensor” (see lines 5-6 in column 13).

Therefore, it would have been obvious to combine Nishio with Kimoto to obtain the invention specified in claim(s) 6.

Regarding claim 10, Nishio further discloses a button (see 166 in Figure 2). Nishio does not disclose the power saving mode being set via the button.

Kimoto discloses these features (see “the power-save mode...effected by a power-saving key 159. When the power-saving key is turned on, the instructions of the power-save mode are sent to the main CPU 132 from the panel CPU 152” in lines 45-48 in column 16, also see Figure 6).

Nishio and Kimoto are analogous art because they are from the same field of endeavor, that is the art of imaging devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Kimoto with the device of Nishio.

The suggestion/motivation for doing so is because it would allow a user to more conveniently choose a power-saving mode.

Therefore, it would have been obvious to combine Nishio with Kimoto to obtain the invention specified in claim(s) 10.

7. Claims 3, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishio (U.S.5991010) in view of Ogura et al (U.S.6961136).

Regarding claim 3, Nishio does not disclose one of a semiconductor switch, a relay, and a three-terminal regulator.

Ogura discloses a relay (see "relay" in lines 40, 41, 43 in column 50).

Nishio and Ogura are analogous art because they are from the same field of endeavor, that is the art of imaging devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the relay of Ogura with the device of Nishio.

The suggestion/motivation for doing so is because Ogura teaches that this feature is suitable for use in power control (see "the CPU 21 also supplies the electricity from the main power source 61 to a unit preset as the part that needs power supply, by operating a relay corresponding to the unit to close a switch corresponding to the relay" in lines 38-41 in column 50).

Therefore, it would have been obvious to combine Nishio with Ogura to obtain the invention specified in claim(s) 3.

Regarding claim 12, Nishio, as described above, further discloses a printer unit which forms an image corresponding to the image data provided from the image processing circuit onto a paper (see 18 in Fig.1), and a CPU which controls power supply from the power source unit to the CCD (see "microprocessor 46 executes...control processing shown in Figs. 11A-11C" in lines 63-64 in column 24, also see "POWER-SAVING MODE" in Figures 11A-11C, also see "power consumption of the line CCD scanner 14...is reduced" in lines 55-58 in column 26). Nishio does not disclose a switch used by the CPU.

Ogura discloses this feature (see "CPU...switch" in lines 38 & 41 in column 50).

Nishio and Ogura are analogous art because they are from the same field of endeavor, that is the art of imaging devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Ogura with the device of Nishio.

The suggestion/motivation for doing so is because Ogura teaches that this feature is suitable for use in power control (see "the CPU 21 also supplies the electricity from the main power source 61 to a unit preset as the part that needs power supply, by operating a relay corresponding to the unit to close a switch corresponding to the relay" in lines 38-41 in column 50).

Therefore, it would have been obvious to combine Nishio with Ogura to obtain the invention specified in claim(s) 12.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ogura et al ('935), Kijima, Ikeno et al, Yokoyama, Murata ('067), Murata ('987), Chang and Czyszczewski et al are cited to show imaging devices.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENRY DAHBOUR whose telephone number is (571)272-4295. The examiner can normally be reached on 9:00AM-5:30PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HD

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